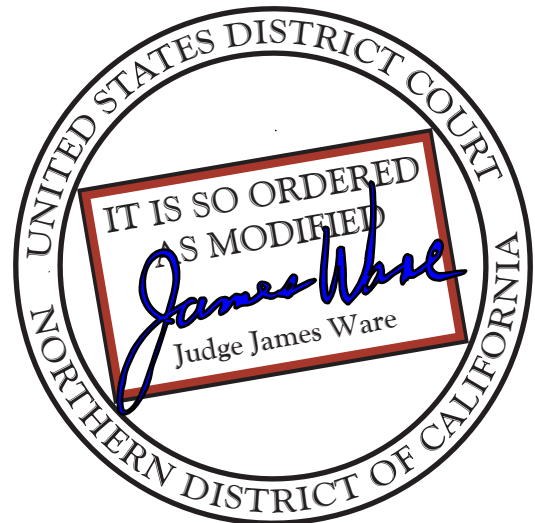


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VESTA STRATEGIES, LLC and  
Third Party Defendant JOHN TERZAKIS



UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

VESTA STRATEGIES, LLC,

Plaintiff,

vs.

ROBERT E. ESTUPINIAN, GINNY  
ESTUPINIAN, MUTUAL VISION, LLC,  
MILLENNIUM REALTY GROUP, VESTA  
REVERSE 100, LLC, VESTA CAPITAL  
ADVISORS, LLC, CAROL-ANN  
TOGNAZZINI, EDMUNDO ESTUPINIAN  
and HAYDEE ESTUPINIAN,

Defendants.

CASE NO. C-07-06216 JW RS

**STIPULATION AND [PROPOSED]  
ORDER RE BRIEFING SCHEDULE  
FOR PLAINTIFF/COUNTER-  
DEFENDANT VESTA STRATEGIES,  
LLC'S AND THIRD PARTY  
DEFENDANT JOHN TERZAKIS'  
MOTIONS TO SET ASIDE ENTRY OF  
DEFAULT JUDGMENT AND MOTION  
TO SET ASIDE ENTRY OF  
DISMISSAL**

DATE: November 24, 2008

TIME: 9:00 a.m.

DEPT: 8

JUDGE: Honorable James Ware

COMPLAINT FILED: December 7, 2007

**AND RELATED COUNTER AND THIRD  
PARTY CLAIMS**

Plaintiff and Defendants hereby stipulate as follows:

1. Plaintiff/Counter-Defendant VESTA STRATEGIES, LLC ("Vesta") and Third-Party Defendant JOHN TERZAKIS ("Terzakis") has filed a Motion to Set Aside Default Judgment taken by Mutual Vision, LLC, et al., a Motion to Set Aside Default Judgment taken by Carol-Ann Tognazzini, and a Motion to Set Aside Entry of Dismissal.

2. The hearing on these motions is set for November 24, 2008.

1           3.     The parties have agreed to and hereby stipulate to the following briefing schedule  
2 for motions:

3           a.     Defendants' opposition papers shall be filed no later than November 14, 2008.

4           b.     Vesta's and Terzakis' reply shall be filed no later than November 17, 2008.

5           4.     The parties shall serve their papers by the Electronic Case Management System.

6  
7 Dated: November 3, 2008

SELTZER CAPLAN MCMAHON VITEK  
A Law Corporation

8  
9 By:                     /s/                      
Elizabeth Smith-Chavez  
ATTORNEYS FOR Plaintiff/Counter-Defendant  
VESTA STRATEGIES, LLC and Third Party  
Defendant JOHN TERZAKIS

10  
11  
12  
13 Dated: November 3, 2008

RANDICK O'DEA & TOOLIATOS, LLP

14 By:                     Kevin R. Martin                      
Kevin R. Martin, Esq.  
ATTORNEYS FOR Defendants ROBERT  
ESTUPINIAN, ET AL.

15  
16  
17  
18 Dated: November 3, 2008

WILLOUGHBY, STUART & BENING, INC.

19 By:                     Ronal J. Cook, Esq.                      
Ronal J. Cook, Esq.  
ATTORNEYS FOR Counter-Claimant/Third-  
Party Plaintiff Carol-Ann Tognazzini

20  
21  
22 **ORDER**

23       The Court finds good cause to adopt the parties' Stipulation with the slight  
24 modification regarding the due date for the reply. In addition, because the briefing  
25 schedule proposed by the parties does not provide sufficient time for the Court to  
26 evaluate the papers prior to the hearing date, the Court CONTINUES the hearing  
from November 24, 2008 to **December 1, 2008 at 9 a.m.**

27 Dated: November 7, 2008

28                     James Ware                      
JAMES WARE  
United States District Judge